

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HENRY CHAVEZ,

Plaintiff,

v.

CIV. NO. 08-74 WJ/ACT

RUBEN JARAMILLO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Plaintiff's Motion for an Order Directing the Clerk to Correct the Record in the above captioned matter filed May 14, 2010 [Doc. 79]. Plaintiff is seeking an Order from this Court that Defendants, Jim Fraley, Antoinette Tachias, William Shannon, M.D. and Correctional Medical Services remain Defendants in this matter. The Court finds that Plaintiff's Motion is not well taken and will be denied.

Jim Farley was not never served with process and is not a party to this lawsuit. *Bristol v. Fibreboard Corporation*, 789 F.2d 846 (10th Cir. 1986). The claims against the remaining Defendants, Antoinette Tachias, William Shannon, M.D. and Correctional Medical Services were dismissed in the Court's Orders [Docs. 66 and 80] adopting the Recommended Dispositions [Docs. 44 and 80] of the referral Judge [Docs. 44 and 80].

IT IS THEREFORE ORDERED that Plaintiff's Motion for an Order Directing the Clerk to Correct the Record in the above captioned matter is denied.



**WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE**